

[at least one rotary assembly having first and second rotary bodies spaced to receive ribbon stock therebetween, said elongate member engaging both first and second rotary bodies when in the extended position,] said rotary assembly configured for arcuate motion relative to said guide to move said elongate member integrally with both first and second rotary bodies from a first position toward at least one second position to fold a portion of said ribbon stock by said elongate member.

REMARKS

The above amendment is made in response to the Office Action of August 31, 1998. The Examiner's reconsideration is respectfully requested in view of the above amendment and the following remarks.

Claims 11 and 17 were rejected under 35 U.S.C. §112, second paragraph. It is respectfully submitted that claims 11 and 17 as amended satisfy the requirements under 35 U.S.C. §112. The Examiner's reconsideration is respectfully requested.

Claims 10 and 12 to 16 were rejected under 35 U.S.C. §102 by Tuit. Claim 21 was rejected under 35 U.S.C. §103 over Tuit in view of Ritter.

Claims 10, 17, and 21 are each directed to a metallic ribbon stock folding apparatus having, *inter alia*, a rotary assembly having first and second rotary bodies spaced to receive ribbon stock therebetween; at least one retractable elongate member, said elongate member mounted for movement between a retracted position where said elongate member is disengaged from at least one of said rotary bodies and an extended position where said elongate member engages both said first and second bodies; and said rotary assembly configured for

22

arcuate motion relative to said guide from a first position toward at least one second position to fold a portion of said ribbon stock by said elongate member. Tuit does not disclose or suggest such claimed apparatus.

Tuit discloses a wire bending machine having a rotary assembly 23 having rotary members 24 and 32 for engaging elongate members 26 and 23 to separately and independently bend wire 22. Neither of the elongate members 26 and 23 in Tuit engages both the first and second rotary bodies 24 and 32 at anytime. Accordingly, claims 10, 17 and 21 include subject matter which patentably distinguish from Tuit.

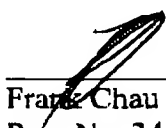
Claims 11 to 16, 18 to 20 depend from claims 10 and 17 respectively. They are patentably distinguished from Tuit for the reasons given above.

Claims 10 to 21 were also rejected under the judicially created doctrine of double patenting over U.S. Patent No. 5,787,750.

A Terminal Disclaimer is submitted herewith to obviate the above rejection.

For the foregoing reasons, the above application is believed to be in condition for allowance. The Examiner's early and favorable action is respectfully urged. Should the Examiner have any questions regarding this matter, please contact the undersigned.

F. CHAU & ASSOCIATES, LLP

By: 
Frank Chau
Reg. No. 34,136
Attorney for Applicants

F. CHAU & ASSOCIATES, LLP
1900 Hempstead Turnpike, Suite 501
East Meadow, New York 11553
(516) 357-0091
FC:ms